

Approved Independent Schools Study Committee

Draft Meeting Minutes

December 15, 2017

Present:

Committee members: Senator Philip Baruth, Chittenden County; Representative Emily Long, Windham County; Nicole Mace, VSBA; C.J. Spirito, Rock Point School (CIS); Seth Bongartz, VISA; Jeff Francis, VSA; Jo-Anne Unruh, VCSEA; Rebecca Holcombe, AOE (arrived at 1:30 p.m.); Michael Livingston, Sharon Academy (CIS); Bonnie Johnson-Aten, Vermont State Board of Education

Agency of Education: Suzanne Sprague, Molly Bachman, Haley Jones

Others: Mill Moore, VISA; Tiffany Pache, VTDigger.org; Maggie Lenz, Ellis-Mills; Patti Komline, VISA; Jim DesMarais, Legislative Council; Toby Howe, MMR; Emily Simmons, VSBA; Morgan Roy, VCSEA; John Carroll; Susan Aranoff, VT Developmental Disabilities Council; Clare Buckley, Leonine Public Affairs; Dillon Burns, Vermont Care Partners; Todd Bailey, LPA

Senator Baruth convened the meeting at 1:02 p.m. He said that it would be the last meeting of the committee and that a reasonable goal would be to get agreement on a barebones report with which to report back to the Legislature. The draft report was prepared with the help of Jim DesMarais, Legislative Council. Senator Baruth mentioned that Seth Bongartz, on behalf of the Approved Independent Schools and Jo-Anne Unruh, of the VCSEA, each submitted documents for suggested revisions to the current draft. Due to time constraints, Senator Baruth suggested that the two documents be added to the report as addendums.

Senator Baruth said the current draft report includes incomplete draft legislation and that the committee was unable to reach agreement on language in any of the three categories. He said for the committees of jurisdiction, the draft report allows them to see the documents and state of play when the study committee ceased. Senator Baruth asked for comments on the overall goal for the meeting. Jeff Francis said he was struck by the inclusion of the draft legislation because it never became the basis for any agreement. He is concerned that the inclusion of legislation could be construed inappropriately by a reader and with the exception of the financial obligation piece, nothing else progressed.

Senator Baruth referred to the draft report and in the executive summary indicated that it is his own attempt at drafting the legislation. He said that the report can include the draft legislation with a disclaimer that the committee did not support it or only bring forward the financial capacity language. Nicole Mace said that the language first emerged at the last meeting and not enough time was spent on special education which is in the draft report from page 10 and forward. She said that most of the time was spent on the bigger picture. Mace added that a report takes on more significance even when there is a disclaimer. She would not want her organization's name attached to the report and the current draft language.

Senator Baruth asked Jim DesMarais to address the committee. Senator Baruth asked Mace if it would be acceptable if DesMarais drafted a disclaimer and eliminated all language with exception of the financial disclosure portion. Mace was agreeable. Francis said that his organization's view on the financial disclosure piece is that it is in the state's best interest, as stewards of the state, to encourage integrity of state funds. He referred back to the combined testimony of VSA, VSCEA and VSBA of August 14th which said if the state is satisfied then it is sufficient for them.

DesMarais asked for clarification on language. Senator Baruth said to eliminate everything after the financial disclosure sections, from page 10 to the end. Unruh said that the committee had no in-depth discussion on special education services what so ever and that she is concerned with the suggestion that the committee agreed on anything other than deferring to the Agency of Education and Department of Financial Regulation on the financial disclosure piece. Discussion continued regarding removing the words special education information from the draft language. Francis said he would like the testimony from August 14th added as an addendum along with the pieces brought forward by the approved independent schools and VCSEA. The VCSEA submission will be renamed since the document was created by the Agency of Education.

Senator Baruth asked for any comments on the Executive Summary. Discussion took place on editing the document so it could be agreed to by the committee members. Topics discussed included the words bureaucratic vs. operational. Mace said that the issue is more than bureaucratic because the money follows the student. She asked about how to ensure open enrollment processes, disciplinary practices and provision of services so that when there is a tuition voucher of public dollars that student can attend the same school as their peers. Mace said the issue is far more that financial and bureaucratic, it's philosophical. She said that the independent schools have never made a commitment to accept all kids with disabilities. Instead, she heard a commitment that if the independent school feels the student is the best fit for the school then the state should authorize tuition dollars to go to that school even if there is not a special educator on site. Mace said that significant philosophical barriers still exist and this is the reason why progress is stalled. Senator Baruth asked the Independent School Committee members for a response. Bongartz said yes that all the independent schools want to take special education students that fit within the framework and the school's mission but in a way that makes it practically possible. He continued this is not the equivalent of saying no.

Francis said he is most concerned with the statement "fits within the framework and mission of the school." He asked who decides if the child gets to attend the independent school or not. If the obstacles are just financial and bureaucratic then they can be overcome. Baruth asked if the Approved Independent School representatives agree to the language that it holds them to far more. Mace said not if their testimony is included as an addendum because it says they will agree to it under specific conditions.

Secretary Holcombe apologized for being late. She asked of the sentence being discussed if the intention is for state-wide school choice for all students or Vermont students in tuition towns. Unruh said that the Secretary raised a good point.

Francis asked if the study committee is in agreement with the 2nd paragraph which does not include the receiving school as a determiner of what is considered most appropriate. Senator Baruth said it

does not say receiving school on purpose. Francis asked if the committee was unanimous in this thinking and directed the statement to the approved independent school representatives. Bongartz said it becomes problematic for the approved independent schools because it changes from accepting students with disabilities to open enrollment. Baruth said that the committee never addressed the issue of open enrollment and should not do so. He asked the approved independent school representatives if, with the narrowing to remove open enrollment and only include Vermont students with disabilities, if they could agree. Senator Baruth said that the decision of whether or not a student will attend an approved independent school falls on the parents and LEA and therefore removes the opportunity for the approved independent school to say no. Bongartz said they anticipated that the schools would always be part of the discussion. Senator Baruth said yes but the question is who ultimately makes the final decision. Bongartz said that they still would like language to address the independent school's mission. Senator Baruth said at a certain point there must be trust in the LEA and the parents.

Unruh asked Bongartz how the mission of a school overrides the needs of individual students. She said that mission can be used in very restrictive ways. Discussion continued. Representative Long offered a suggestion to use the word implementation instead of the words financial and bureaucratic. Discussion continued regarding fit and appropriateness. Senator Baruth said the concern is if the LEA and parents determine that the independent school is appropriate then there is a legal, ethical and moral obligation to help. He continued that if the independent school representatives cannot agree to the language of the 2nd paragraph then there is not a commitment to serve students with disabilities.

Baruth called for a short recess at 1:50 p.m.

The meeting reconvened at 1:56 p.m.

Bongartz said that the approved independent schools are in agreement with the 2nd paragraph. He requested that the next paragraph include wording that the approved independent schools would be involved in the discussion. DesMarais offered to include the language as requested.

Senator Baruth asked if there were any further edits to the executive summary. Secretary Holcombe said she is mindful of cost containment and that the Legislature will need to provide guidance considering the pressures being put on districts regarding right-sizing. She continued that the state needs to grapple with the challenge of size and the challenges faced by the approved independent schools are the same for many of the smaller public schools. There is a function of being of sufficient scale to provide comprehensive services. Francis asked that this sentence be included in the document, "The committee agreed that it is incumbent on all schools whether public or independent to work together most cost effectively." Discussion continued on cost containment and schools vs. districts.

Senator Baruth asked Secretary Holcombe and Unruh to rename the document that Unruh requested be included as an addendum and to provide it to DesMarais. Each agreed to do so after the meeting. Secretary Holcombe asked why the proposed legislative language on financial capacity is included since this was not agreed to and should be included with the rest of the documents. Senator Baruth agreed to begin the appendix on page 5 of the draft.

Senator Baruth summarized that DesMarais will make the changes as discussed which eliminates pages 10 to the end. The heading on page 5, which is the financial obligation language, will be changed to an appendix and will be considered an addendum along with the contributions from the approved independent schools, VCSEA (document to be renamed) and testimony of VSA, VSBA, VCSEA dated August 14 for a total of 4 appendices. The executive summary will be changed to summary. DesMarais will share with the committee once completed.

The next meeting is December 20, 2017 from 9:00 a.m. – 11:00 a.m. to review the final report to the Legislature. The meeting will be a conference call meeting.

Susan Aranoff, Vermont Developmental Disabilities Council, read a comment to the committee on behalf of Miriam Stoll, parent.

The meeting adjourned at 2:35p.m.

Minutes recorded and prepared by Suzanne Sprague.